

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Paul Newman,

Plaintiff,

10 Civ. 4123 (ALC) (AJP)

- against -

ORDER

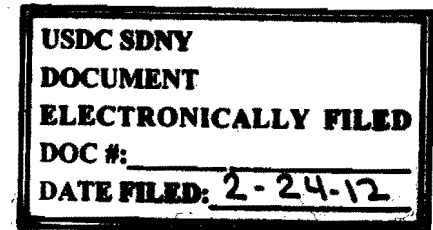
P.A. Kwan and D. Rodriguez,

Defendants.

ANDREW L. CARTER, JR., United States District Judge:

Plaintiff Paul Newman brought this action, *pro se*, on May 19, 2010, and to date, has never served Defendants. On January 25, 2012, the Honorable Andrew J. Peck, United States Magistrate Judge, issued a report and recommendation concluding that the Court should dismiss this action under Fed. R. Civ. P. 4. No party has filed objections to the R&R, but Plaintiff did file a letter on January 30, 2012 inquiring about the status of his case.

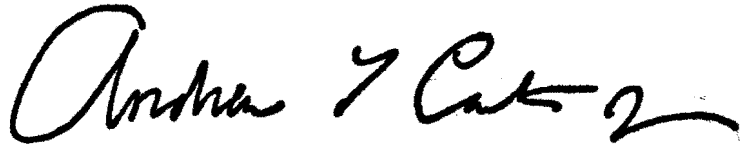
The Court reviews the R&R for clear error and finds none. If it were to apply a *de novo* review, the Court would find that Plaintiff never displayed good cause as to why the Court should grant an extension of time to serve and notes that Plaintiff did in fact ask for an extension over a year ago, which was granted, but still did not serve Defendants within the time allotted.



Accordingly, the R&R is adopted in its entirety and the action is dismissed without prejudice. The Clerk of Court is respectfully directed to close this case.

Dated: New York, New York
February 24, 2012

SO ORDERED.

A handwritten signature in black ink, reading "Andrew L. Carter, Jr." with a stylized flourish at the end.

Andrew L. Carter, Jr.
United States District Judge